

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

(1) MANUEL E. PINALES,) Criminal No. <i>04-10314-RCL</i>
(2) JOSE ANTONIO CRUZ, a/k/a "Eduardo LNU") VIOLATIONS:
(3) LUIS R. CLAS, a/k/a "Cuba") 21 U.S.C. § 846
(4) RICHARD PENA, and) Conspiracy to Distribute Cocaine
(5) TAJH M. WHITE) 21 U.S.C. §§ 841 (a)(1)
) Distribution of Cocaine and Possession with
) Intent to Distribute
) 18 U.S.C. § 2
) Aiding and Abetting

INDICTMENT

COUNT ONE: **(21 U.S.C. § 846 -- Conspiracy To Distribute Cocaine)**

The Grand Jury charges that:

From in or about June 2004, and continuing thereafter until on or about October 6, 2004, the date of this Indictment, at Boston, Fall River, New Bedford and elsewhere in the District of Massachusetts, and elsewhere

**(1) MANUEL E. PINALES,
(2) JOSE ANTONIO CRUZ a/k/a "Eduardo LNU,"
(3) LUIS R. CLAS a/k/a "Cuba,"
(4) RICHARD PENA, and
(5) TAJH M. WHITE**

defendants herein, did knowingly and intentionally conspire, combine, confederate and agree with each other and with persons known and unknown to the Grand Jury, to possess with intent to distribute, and to distribute, cocaine, a Schedule II controlled substance, in violation of Title

21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy described herein involved five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, in violation of Title 21, United States Code, Section 841(b)(1)(A)(ii) applies to this count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: **(21 U.S.C. § 841(a)(1)--Distribution of Cocaine; 18 U.S.C. § 2—Aiding and Abetting)**

The Grand Jury further charges that:

On or about September 27, 2004, at Boston, in the District of Massachusetts,

**(1) MANUEL E. PINALES and
(3) LUIS R. CLAS a/k/a “Cuba”**

defendants herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.

It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1)–Possession with Intent to Distribute Cocaine; 18 U.S.C. § 2—Aiding and Abetting)

The Grand Jury further charges that:

On or about September 27, 2004, at Boston, in the District of Massachusetts,

(5) TAJH M. WHITE

defendant herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.

It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: **(21 U.S.C. § 841(a)(1)--Distribution of Cocaine; 18 U.S.C. § 2—Aiding and Abetting)**

The Grand Jury further charges that:

On or about September 29, 2004, at Boston, in the District of Massachusetts,

**(1) MANUEL E. PINALES and
(3) LUIS R. CLAS a/k/a "Cuba"**

defendants herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.

It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the narcotics offenses alleged in Counts One through Four of this Indictment,

- (1) **MANUEL E. PINALES,**
- (2) **JOSE ANTONIO CRUZ a/k/a "Eduardo LNU,"**
- (3) **LUIS R. CLAS a/k/a "Cuba,"**
- (4) **RICHARD PENA, and**
- (5) **TAJH M. WHITE**

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

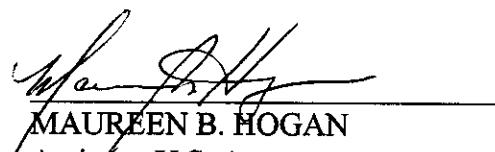
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 18, United States Code, Section 853.

A TRUE BILL,



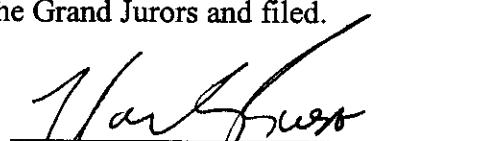
FOREPERSON OF THE GRAND JURY



MAUREEN B. HOGAN
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS: October 6, 2004

Returned into the District Court by the Grand Jurors and filed.



Vicki F. Gross
Deputy Clerk
2:07 pm

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Tajh M. White Juvenile Yes No

Alias Name _____

Address UnknownBirth date (Year only): 76 SSN (last 4 #): 9376 Sex M Race: _____ Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Maureen B. Hogan Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: SpanishMatter to b^y _____ No Acquiesce Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: October 6, 2004 Signature of AUSA 

~~JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse~~

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Tajh M. White**U.S.C. Citations**

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. § 841</u>	<u>Possession with Intent to Distribute Cocaine</u>	<u>Three</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Richard Pena Juvenile Yes No

Alias Name _____

Address 7 Knight Street, Apt. 2R, Hyde Park, MABirth date (Year only): 48 SSN (last 4 #): 4363 Sex M Race: Hipsanic Nationality: Dominican

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Maureen B. Hogan Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: SpanishMatter to be ~~seal~~ No~~seal~~ Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Richard Pena**U.S.C. Citations**

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. § 846</u>	<u>Conspiracy to Distribute Cocaine</u>	<u>One</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Luis R. Clas Juvenile Yes NoAlias Name CubaAddress 115 Navarre Street, Floor 2, Hyde Park, MABirth date (Year only): 47 SSN (last 4 #): 6636 Sex M Race: Hipsanic Nationality: _____

Defense Counsel if known: _____ Address: _____

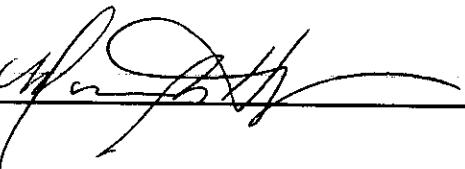
Bar Number: _____

U.S. Attorney Information:AUSA Maureen B. Hogan Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: SpanishMatter to be _____ NoWarrant Requested Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Luis R. Clas

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. § 846</u>	<u>Conspiracy to Distribute Cocaine</u>	<u>One</u>
Set 2 <u>18 U.S.C. § 841</u>	<u>Distribution of Cocaine</u>	<u>Two and Four</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Jose Antonio Cruz

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. § 846</u>	<u>Conspiracy to Distribute Cocaine</u>	<u>One</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

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Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Manuel E. Pinales Juvenile Yes No

Alias Name _____

Address 1828 River Street, Hyde Park, MABirth date (Year only): 63 SSN (last 4 #): 4818 Sex M Race: Hipsanic Nationality: Dominican

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Maureen B. Hogan Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: SpanishMatter to b _____ No Indictment Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 3

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~~SJS 45 (5/97) - (Revised USAO MA 3/25/02)~~ Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Manuel E. Pinales

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. § 846</u>	<u>Conspiracy to Distribute Cocaine</u>	<u>One</u>
Set 2 <u>18 U.S.C. § 841</u>	<u>Distribution of Cocaine</u>	<u>Two and Four</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: